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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,130	08/21/2001	Limor Schweitzer	XACTP014C	9607

			EXAMINER
28875	7590	03/05/2004	NGUYEN, HAI V

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ART UNIT	PAPER NUMBER
2142	12

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/935,130	SCHWEITZER ET AL.
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 January 2004*</u>.
2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*32-47*</u> is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>*32-47*</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication received on 27 January

2004.

2.   Claims 32-47 are presented for examination.

Response to Arguments

3.   Applicant's arguments and amendments filed on 27 January 2004 have been

fully considered but they are not deemed fully persuasive. Applicant's arguments are

deemed moot in view of the following new ground(s) of rejection as explained here

below, necessitated by Applicant's substantial amendment (i.e., filtering and

aggregating the network communications usage information utilizing a plurality of

gatherers, *wherein the filtering and aggregating are based on a user-defined*

configuration,) to the claims which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 32-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Herbert U.S. patent no. **5,333,183** in view of **Bowman** U.S. patent no. **5,627,886**.

6.   As to claim 32, Herbert, Universal MDR data Record Collection And Reporting

System, discloses the invention as claimed, including a method for database

management and recovery, comprising:

(a) collecting network communications usage information in real-time from a plurality of network devices utilizing a plurality of information source modules *(Herbert, Abstract, Figs. 5, 8, 20; cols. 22-23, table 4)*; However, Herbert does not explicitly disclose filtering and aggregating the network communications usage information utilizing a plurality of gatherers, *wherein the filtering and aggregating are based on a user-defined configuration.* Thus, the artisan would have been motivated to look into the related the network management art for potential methods and systems for implementing the filtering and aggregating the network communications usage information utilizing a plurality of gatherers, *wherein the filtering and aggregating are based on a user-defined configuration.*

In the same field of endeavor, Bowman, related System And Method For Detecting Fraudulent Network Usage Patterns Using Real-Time Network Monitoring, discloses in an analogous art distributed data network. Bowman discloses in the *Fig. 2 that the data collector 100 is a computer directly connected to the call detail record (CDRs), filters out CDRs irrelevant to fraud detection, reformats relevant CDRs into standardized FMS internal formats, passes UNIX files of standardized CDRs to its respective inbound interface 110, logs throughput statistics to UNIX flat files and permits manual reconfiguration throughout a Graphic User Interface so one data collector can provide backup for another when necessary (Bowman, col. 7, lines 30-59). Bowman also suggest that the detecting fraudulent network usage patterns using real-time network monitoring of at least two disparate networks is shown which receives at least on event record from each of the disparate networks, analyzes each of the received event*

records to determine its type based on user-defined parameters, identifies

predetermined fields in the analyzed event record to be used as keys, measures

network usage associated with the key, ... (Bowman, Abstract; col. 2, line 27 – col. 3,

line 4).

Accordingly, it would have been obvious to one of ordinary skill in the networking

computing art at the time the invention was made to have incorporated Bowman's

teachings of user-defined parameters *(Bowman, Abstract; col. 2, line 27 – col. 3, line 4)*

with the teachings of Herbert, *for the purpose of providing reusable data structures*

which may be used as templates to simplify the configuration process and minimizing

the impact of coding changes, promoting the sharing of common code, and making

maintenance task much easier (Bowman, col. 3, lines 15-25).

Herbert-Bowman discloses (b) filtering and aggregating the network

communications usage information utilizing a plurality of gatherers *(Herbert, col. 15,*

table 7(b); col. 21, table 3(b); Bowman, Fig. 2, item 100);

Herbert-Bowman discloses (c) completing a plurality of data records from the

filtered and aggregated network communications usage information utilizing a central

event manager, the plurality of data records corresponding to network usage by a

plurality of users *(Herbert, cols. 24-25, table 5; Bowman, Fig. 2, item 150)*;

Herbert-Bowman discloses (d) storing the plurality of data records in a database

(Herbert, col. 6, lines 47-60; Bowman, Fig. 2, item 150, Abstract, col. 2, line 1 – col. 3,

line 40);

Herbert-Bowman discloses (e) continuously monitoring a state of the gatherers *(Herbert, col. 13, line 2 – col. 14, line 50; Bowman, Abstract, col.1, lines 10-14, col. 4 lines 7-49)*;

Herbert-Bowman discloses (f) detecting a fault *(Herbert, col. 13, line 50 – col. 14, line 10; Bowman, Abstract, col. 2, line 1 – col. 3, line 40)*; and

Herbert-Bowman discloses (g) utilizing the state of the gatherers and the stored data records to recover from the fault upon the detection thereof *(Herbert, cols. 25-26, table 5; Bowman, Abstract, col. 2, line 1 – col. 3, line 40, col. 11, lines 28-53)*.

7.   As to claim 33, Herbert-Bowman discloses, wherein the data records are stored in the database at a user-specific interval *(Herbert, col. 10, table 1, element A6; Bowman, Abstract, col. 2, line 1 – col. 3, line 40, col. 11, lines 28-53)*.

8.   As to claim 34, Herbert-Bowman discloses, further comprising time stamping the stored data records *(Herbert, cols. 25-26, table 5; Bowman, Abstract, col. 2, line 1 – col. 3, line 40, col. 9, lines 38-65, col. 11, lines 28-53)*.

9.   As to claim 35, Herbert-Bowman discloses, further comprising deleting the stored data records upon the cessation of a predetermined amount of time after the storage utilizing the timestamp *(Herbert, cols. 23-24, table 5; Bowman, Abstract, col. 2, line 1 – col. 3, line 40, col. 9, lines 38-65, col. 11, lines 28-53)*.

10.   As to claim 36, Herbert-Bowman discloses, further comprising caching the network communications usage information collected from the network devices utilizing the gatherers *(Herbert, Fig. 12, item 216; col. 29, line 49 – col. 30, line 25; Bowman, Fig. 2, item 100)*.

11.   Claim 37 is corresponding computer program product residing on computer readable medium claim of claim 32; therefore it is rejected under the same rationale as claim 32.

12.   Claims 38-41 are substantially the same as claims 33-36 and thus they are rejected under the same rationale as claims 33-36.

13.   Claim 42 is corresponding system claim of claim 32; therefore it is rejected under the same rationale as claim 32.

14.   Claims 43-46 are substantially the same as claims 33-36 and thus they are rejected under the same rationale as claims 33-36.

15.   Claim 47 is substantially similar limitations of claims 32-36 and therefore, it is rejected for the same reasons set for those in the rejection of claims 32-36.

16.   Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Conclusion

17.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER